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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3148/2024

MOHD. FARMAN

.....Petitioner

Through: Mr. Siddharth Chaudhary,
Mr. Vivek Teotia and Mr.
Nitish Bhardwaj, Advs.
with the petitioner in
person.

versus

THE STATE GOVT OF NCT OF DELHI

AND ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari,
ASC for the State with Mr.
Alok Sharma and Mr.
Vasu Agarwal, Advs. with
SI Narender Singh, PS
Chandni Mahal.
Ms. Mansi Batra, Adv. for
R-2.
R-2 (through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.11.2024

CRL.M.A. 30504/2024 (exemption from filing certified copies of annexures)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed seeking quashing of FIR No. 148/2019 dated 14.09.2019, registered at Police Station Chandni Mahal, for offences under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section 506 of

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the Indian Penal Code, 1860), including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2.

4. It is averred that the marriage between the petitioner and Respondent No.2 was solemnized on 30.03.2017 as per Muslim rites and ceremonies. One child was born out of the said wedlock. Thereafter, due to matrimonial discord, some misunderstandings took place between the parties, due to which the petitioner and Respondent No. 2 started living separately.

5. Subsequently, Respondent No.2 made a complaint against the petitioner alleging that she was subject to cruelty by him and his family members. It is alleged that the petitioner also verbally pronounced *talaq* upon Respondent No. 2. The same culminated into the registration of the subject FIR.

6. The present petition is filed on the ground that the matter is amicably settled between the parties and that they have also entered into a Memorandum of Understanding dated 04.08.2020 of their own free will, without any pressure, threats, coercion or undue influence. The petitioner and Respondent No.2 have also duly executed a Deed of Settlement and Dissolution of Marriage by way of mutual consent on 29.09.2020.

7. In terms of the Memorandum of Understanding dated 04.08.2020, the matter was settled for a total sum of ₹25,00,000/- . It is stated that the entire amount already stands paid to Respondent No. 2.

8. The petitioner is present before this Court in person. Respondent No. 2 has joined the proceedings through video conferencing. The parties have been duly identified by the Investigating Officer.



9. Respondent No.2, on being asked, states that she does not wish to pursue the proceedings arising out of the present FIR, and has no objection if the proceedings are quashed.

10. Offence under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 is compoundable at the instance of the Muslim woman upon whom *talaq* is pronounced. Further, offence under Section 506 of the IPC is also compoundable in nature.

11. Keeping in view the nature of the dispute and the fact that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. No useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offence.

12. In view of the above, FIR No. 148/2019 and all consequential proceedings arising therefrom are quashed.

13. It is made clear that this Court has not gone into the legality of the settlement entered between the parties.

14. It is also clarified that the legal rights of the minor child will not be affected in any manner whatsoever by the present order.

15. The present petition is allowed in the aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 11, 2024

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